

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)
	)
Facilitating Opportunities for Flexible,	)
Efficient, and Reliable Spectrum	) ET Docket No. 03-108
Use Employing Cognitive Radio	)
Technologies	)

**PETITION FOR RECONSIDERATION  
  
OF  
  
MARCUS SPECTRUM SOLUTIONS**

In accordance with the provisions of 47 CFR §1.429 Marcus Spectrum Solutions (MSS) petitions for reconsideration of the Report and Order<sup>1</sup> in this proceeding, adopted March 10, 2005. MSS<sup>2</sup> is an independent consulting firm specializing in spectrum technology and policy issues. In this petition MSS is acting in the public interest, not on behalf of a specific client. The Commission is aware of the qualifications<sup>3</sup> of Dr. Michael J. Marcus, Director of MSS.

**I. SUMMARY**

This is a very complex proceeding dealing with a technology, cognitive radio, which is not yet on the market. It also deals with a related technology, software defined radio, which has recently had its first equipment authorization. In such cases, one can not expect all parties to agree nor should one expect a perfect decision from the Commission. However, after much thought MSS concludes that some of the flaws of this R&O are so great as to require near term attention. In particular, there are two important topics where there is ambiguity as to what policy change, if any, has been adopted. While the R&O

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<sup>1</sup> Published at 70 FR 23039, May 4, 2005.

<sup>2</sup> See [members.aol.com/marcusspectrum](http://members.aol.com/marcusspectrum)

<sup>3</sup> See [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-243463A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-243463A1.pdf)